

Appl. No. 08/704,159
Reply to Office action of March 9, 2004

Remarks

Claims 113-134 were pending. By way of this response, claim 113 has been amended, and claims 119, 122, 123 and 125-134 have been cancelled without prejudice. Support for the amendments to the specification and the claims can be found in the application as originally filed, and no new matter has been added. Accordingly, claims 113-118, 120, 121 and 124 are currently pending.

As a preliminary matter, applicant gratefully acknowledges and thanks the Examiner for the courtesy shown to Dr. Greg S. Hollrigel of the undersigned's office for the time on April 2, 2004 to discuss the Office Action and the rejection of the claims.

Based on that discussion, applicant understands that it was confirmed that the claims 118 and 122 were deemed to be enabled and free from the prior art based on the Office Action. Applicant also understands that the Examiner agreed that an amendment of claim 113 to include the subject matter of claim 118 or claim 122 would be sufficient to overcome the rejections of claim 113. However, the Examiner indicated that she would have to conduct an updated search, and consider the enablement of amended claim 113. Dr. Hollrigel indicated that since the Examiner has already determined and acknowledged that claim 122 is enabled, by not rejecting claim 122 in the Office Action, amended claim 113 is also enabled.

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Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 113-114, 116, and 119 have been rejected under 35 U.S.C. § 112, first paragraph.

Applicant respectfully traverses the rejection. However, to advance the prosecution of the above-identified application, claim 113 has been amended as set forth above. Claim 113 has been amended to include the subject matter of claim 122. As acknowledged in the Office Action, and as discussed above, since claim 122 was not rejected under 35 U.S.C. § 112, first paragraph, the Examiner has acknowledged that claim 122 is enabled by the above-identified patent application. Thus, because claim 122 is enabled by the above-identified patent application, applicant submits that amended claim 113 is enabled by the above-identified patent application.

In view of the above, applicant submits that the rejection of the claims, and claims 113-114, and 116 in particular, under 35 U.S.C. § 112, first paragraph have been overcome, and respectfully requests that this rejection be withdrawn.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claim 119 has been rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 119 has been cancelled. Applicant submits the rejection under 35 U.S.C. § 112, second paragraph is moot.

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Rejection Under 35 U.S.C. § 102

Claims 113-114 and 123 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kimura et al. (1991) in light of the disclosure of TaKaRa Shuyzo Co.

Applicant does not concede with the rejection or the remarks made by the Examiner. Applicant submits the rejection is moot in view of the amendments to claim 113, as set forth above. Claim 113 has been amended to include the subject matter of claim 122. As indicated in the Office Action, claim 122 is free from the prior art, and in particular is not anticipated by Kimura et al. (1991). Therefore, amended claim 113 is also not anticipated by Kimura et al.

In view of the above, applicant submits that the present claims, and claims 113-118, 120, 121, and 124 in particular, are not anticipated by Kimura et al. under 35 U.S.C. § 102, and that the present claims are unobvious from and patentable over the prior art under 35 U.S.C. § 103.


In addition, each of the present dependent claims is separately patentable over the prior art. For example, none of the prior art disclose, teach, or even suggest the present methods including the additional feature or features recited in any of the present dependent claims. Therefore, applicant submits that each of the present claims is separately patentable over the prior art.

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In conclusion, applicant has shown that the present claims satisfy the requirements of 35 U.S.C. § 112, and are not anticipated by and are unobvious from and patentable over the prior art under 35 U.S.C. §§ 102 and 103. Therefore, applicant submits that the present claims, that is claims 113-121 and 124, are allowable. Therefore, applicant respectfully requests the Examiner to pass the above-identified application to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

Date: June 9, 2004

Respectfully submitted,


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